

REMARKS

Claims 2 to 19 are pending in the application.

Rejection under 35 U.S.C. 103

Claims 1, 2, 4-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Ushida (US 5,960,757)* in view of *Ichinose et al. (JP2001-41012)*. Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Ushida (US 5,960,757)* in view of *Ichinose et al. (JP2001-41012)* and further in view of *Golovatai-Schmidt (US 2003/0084863)*. Claims 16, 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Ushida (US 5,960,757)* in view of *Ichinose et al. (JP2001-41012)* and further in view of *Trzmiel et al. (US 6,085,708)*.

Claim 1 has been canceled so that the above rejections no longer apply.

Allowable Claims 18 and 19

Due to a miscommunication between applicant and the undersigned, claims 18 and 19 as filed January 31, 2005, do not properly reflect the invention. Claims 18 and 19 have therefore been rewritten.

In claim 18, a special configuration of the supply grooves 35 and 36 is claimed. The supply groove 36 supplies pressure medium to the end face (piston surface) 28 of locking element 23. The supply groove 35 communicates with annular chamber 34 that surrounds the locking element 23 up to its radial outwardly oriented flange 29 so that the pressure medium in the annular chamber 34 can load the flange 29.

When starting the engine, the locking bolt 23 is in the locking position (Fig. 15) in order to provide a defined relative position of rotor and stator within the range of play provided by the elongate configuration of the locking bore. As explained in paragraphs 0056 and 0058, the locking bolt remains initially in the locking position in order to ensure the defined position of rotor and stator. As rotor moves within the range of play, the supply groove 36 remains open to allow the piston surface 28 to be loaded by the increasing pressure of the pressure medium until the pressure surpasses the counterforce of the pressure spring. This is not shown by *Ushida* and *JP 2004-41012*, alone or in combination.

Claim 19 relates to the throttles 37 and 38 that prevent too fast a movement of the rotor (reduce the speed of the rotor when approaching the area of the locking position of the locking bolt 23); this is described in paragraphs 0054 and 0055. Claim 19 as submitted

on January 31, 2005, incorrectly states that the speed of the locking bolt itself is reduced but it is, of course, the rotor that is slowed in order to allow the locking bolt enough time to slide into the locking bore. Also, in order to clarify the position of the throttle grooves, the locking disk as part of the stator has been introduced into the claim. The throttle grooves 37 and 38 communicate, depending on the rotational position of the rotor, with a throttle bore 41 in the rotor vane; this is also clearly disclosed in the drawings showing the incremental changes taking place upon rotation of the rotor. Such an overlapping configuration of throttle grooves in the stator and vanes of the rotor is not disclosed in *Trzmiel et al.* This reference shows a throttle location 43' between the outer circumference of the inner part 14 and the radial inward end of the rib 22'c. This throttle 43' is always open and connects the neighboring pressure chambers.

Claim 19 is therefore not obvious in view of the cited references.

Claims 2 to 17 have been made dependent from the claims 18 and 19, respectively, and should be allowable as dependent claims.

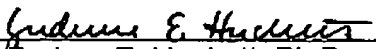
CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on August 3, 2005.


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